



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

NATURAL RESOURCES DEFENSE
COUNCIL, INC.,

Plaintiff,

-against-

UNITED STATES DEPARTMENT
OF STATE,

Defendant.

-----X

WILLIAM H. PAULEY III, District Judge:

This Court having held an in-camera review of the redacted material in the first paragraph of the April 2006 cable, it is ordered that for the reasons set forth on the record on June 24, 2008 and because the redacted material was properly withheld pursuant to the deliberative process doctrine as a predecisional advisory opinion, see Hopkins v. Dep't of Housing & Urban Dev., 929 F.2d 81, 84-85 (2d Cir. 1991), "prepared in order to assist an agency decisionmaker in arriving at his decision," Renegotiation Bd. v. Grumman Aircraft Eng'g Corp., 421 U.S. 168, 184 (1975), Plaintiff's motion for summary judgment (Docket No. 9) is denied,

and Defendant's motion (Docket No. 13) is granted.

The Clerk of Court is directed to mark this case closed.

Dated: July 28, 2008
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

Counsel of Record:

Thomas Joseph Cmar, Esq.
Natural Resources Defense Council, Inc.
1200 New York Ave., Nw Suite 400
Washington, DC 20005
Counsel for Plaintiff

Mitchell S. Bernard, Esq.
Natural Resources Defense Council, Inc.
40 West 20th Street
New York, NY 10011
Counsel for Plaintiff

Rebecca C. Martin, Esq.
U.S. Attorney's Office
Southern District of New York
86 Chambers Street
New York, NY 10007
Counsel for Defendant